

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TAKEDA PHARMACEUTICAL COMPANY)	
LIMITED and TAP PHARMACEUTICAL)	
PRODUCTS INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 08-339 (SLR)
)	
BARR PHARMACEUTICALS, INC. and)	
BARR LABORATORIES, INC.,)	
)	
Defendants.)	

TAP'S UNOPPOSED MOTION TO CHANGE THE CAPTION

Plaintiff TAP Pharmaceutical Products Inc. ("TAP") moves to substitute Takeda Pharmaceuticals North America, Inc. ("TPNA") as plaintiff in place of TAP.

Effective July 1, 2008, current plaintiff TAP merged with TPNA, a corporation duly organized under the laws of the State of Delaware, with its principal place of business in Deerfield, Illinois. As a result of this merger, TAP ceased to exist as an independent corporate entity, and TPNA became its successor-in-interest. Thus, TPNA is now the owner of NDA No. 21-428, and substitution of TPNA for TAP would be appropriate.

In addition, TAP seeks to add two new parties -- Takeda Pharmaceuticals LLC ("LLC") and Takeda Pharmaceuticals America, Inc. ("TPA") -- a limited liability company and corporation, respectively, duly organized under the laws of the State of Delaware and wholly owned subsidiaries of TPNA. LLC is now the exclusive licensee to U.S. Patent No. 6,328,994 and the exclusive sublicensee for lansoprazole to U.S. Patent No. 5,464,632, which are the patents-in-suit in this action. TPA holds the exclusive right to sell Prevacid ODT to the public. TPNA holds exclusive rights to import Prevacid ODT and to sell exclusively to LLC. Thus, their joinder as plaintiffs would also be appropriate.

Counsel for all parties have discussed this motion, and Barr will not oppose it.

Barr specifically reserves its right to challenge the standing for any of the plaintiffs in this action.

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/s/ Rodger D. Smith II

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August 19, 2008

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2008, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send electronic notification of such filing to the following:

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Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on August 19, 2008, upon the following individuals in the manner indicated:

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PROPOSED ORDER

Pursuant to Federal Rules of Civil Procedure 20(a)(1)(A), 25(c), and 41(a), the Court hereby orders that the caption of this action be changed to read as follows:

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TAKEDA PHARMACEUTICAL COMPANY LIMITED,)	
TAKEDA PHARMACEUTICALS NORTH AMERICA, INC.)	
TAKEDA PHARMACEUTICALS LLC, and)	
TAKEDA PHARMACEUTICALS AMERICA, INC.)	
)	
Plaintiffs,)	C.A. No. 08-339-SLR
)	
v.)	
)	
BARR PHARMACEUTICALS, INC.)	
and BARR LABORATORIES, INC.,)	
)	
Defendants.)	

SO ORDERED

Dated: _____

Honorable Sue L. Robinson
United States District Judge